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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,972	04/20/2001	Eric Bodnar	LS/0019.00	4879
8791	7590	06/20/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			PHAN, HUY Q	
			ART UNIT	PAPER NUMBER
			2687	

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/839,972

**Applicant(s)**

BODNAR ET AL.

**Examiner**

Huy Q Phan

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 33-36, 40-49 and 54-71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33-36, 40-49 and 54-71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/07/03, 10/09/03</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of Group II, Claims 33-36 and 40-49 in the reply filed on 03/01/2005 is acknowledged.

In addition, Claims 54-71 have been added; and Claims 1-32, 37-39 and 50-53 have been canceled.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 33-36, 40-49 and 54-71 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al. (US-6,636,259).

Regarding claim 33, Anderson et al. disclose a system (fig. 1 and description) facilitating uploading of digital images from a digital camera (14), the system comprising:

a digital camera (fig. 1, digital camera 14) for capturing digital images (col. 3, lines 25-49; also see fig. 3 and its description);

a Web site (fig. 1, website 22) for hosting said digital images captured by the digital camera (col. 3, lines 25-49);

a transport mechanism for uploading the digital images from the digital camera to a user account (fig. 1, user account 40) at the Web site, said user account being pre-provisioned for the digital camera (col. 3, lines 50-col. 4; see fig. 1 and description);

a module (OS 70, see fig. 3 and its description) for automatically associating the digital images uploaded to the Web site with the pre-provisioned user account (col. 3, lines 40-49) and thereafter providing on-line access to the digital images (col. 4, lines 31-45), without requiring a user to manually set up the user account ("automatically"; col. 4, lines 25-30; for more details see fig. 1, and its description).

Regarding claim 34, Anderson et al. disclose the system of claim 33, wherein said digital camera employs a cellular phone for wirelessly uploading the digital images (col. 4, lines 47-67).

Regarding claim 35, Anderson et al. disclose the system of claim 34, wherein said digital camera and said cellular phone are selectively coupled to one another (col. 4, lines 47-67).

Regarding claim 36, Anderson et al. disclose the system of claim 33, wherein a unique device ID associated with the digital camera is used for associating the digital images with the user account ("entity IDs 28 from each camera 14 and matches...the

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identified user", col. 4, lines 10-30; also see abstract and for more details see figs. 2-4 and their descriptions).

Regarding claim 40, Anderson et al. disclose the system of claim 33, further comprising: a provisioning information module ("the camera with software", col. 4, lines 9-30, also see fig. 3 and its description) that generates a unique device ID ("create entity-specific cameras 14", col. 3, lines 40-49) that is used by an accounting management module (OS 70, see fig. 3 and its description) for associating the digital images with a particular cellular phone device (col. 4, lines 47-67) used by the digital camera to upload digital images (fig. 1 and description).

Regarding claim 41, Anderson et al. disclose the system of claim 33, wherein said Web site receives digital images as they are uploaded (fig. 1 and description).

Regarding claim 42, Anderson et al. disclose the system of claim 33, wherein said Web site continues to store digital images that are uploaded for some period of time (col. 11, line 20-col. 12, line 61).

Regarding claim 43, Anderson et al. disclose the system of claim 33, wherein said Web site provides on-line access to the digital images (col. 4, lines 31-38).

Regarding claim 44, Anderson et al. disclose the system of claim 33, wherein

said digital camera includes connectivity to a cellular phone, for uploading digital images (col. 4, lines 47-67).

Regarding claim 45, Anderson et al. disclose the system of claim 33, wherein said digital camera include wireless communication capability (col. 4, lines 47-67).

Regarding claim 46, Anderson et al. disclose the system of claim 33, wherein said transport mechanism comprises a wireless communication network (col. 4, lines 47-67).

Regarding claim 47, Anderson et al. disclose the system of claim 33, further comprising: a database (fig. 1, gateway server 18) at the Web site for maintaining the uploaded digital images along with an associated unique device ID for the images (fig. 1 and description).

Regarding claim 48, Anderson et al. disclose the system of claim 33, further comprising: a module allowing a user to specify a user name and password for the user account that has been pre-provisioned (col. 2, lines 35-58).

Regarding claim 49, Anderson et al. disclose the system of claim 33, wherein online access to the digital images is predicated upon user input of a valid user name and password (col. 11, lines 20-27).

Regarding claim 54, Anderson et al. disclose an apparatus for automating activation of a user account associated with a user-operated device (fig. 1 and its description), the method comprising:

- a Web site (fig. 1, website 22) to host user data transferred by the user-operated device (col. 3, lines 25-49);

- a transport mechanism to enable uploading of the user data from the user-operated device to a user account (fig. 1, user account 40) at the Web site, the user account being pre-provisioned for the user-operated device (col. 3, lines 50-col. 4; see fig. 1 and description); and

- a module for automatically associating the user data uploaded to the Web site with the pre-provisioned user account based on a unique device ID (col. 3, lines 40-49), and thereafter providing on-line access to the user data (col. 4, lines 31-45), such that the user need not manually establish the user account at the Web site ("automatically"; col. 4, lines 25-30; for more details see fig. 1, and its description).

Regarding claim 55, Anderson et al. disclose the apparatus of claim 54, wherein the user-operated device is selected from among the following: a digital camera, a cellular telephone, a cellular telephone periodically coupled to a digital camera, and a cellular telephone including a digital camera (col. 4, lines 47-67).

Regarding claim 56, Anderson et al. disclose the apparatus of claim 54, wherein the user-operated device has a unique device ID (col. 3, lines 40-49) that is used for associating the user-operated device with the user account that has been pre-provisioned for the user data (fig. 1 and its description).

Regarding claim 57, Anderson et al. disclose the apparatus of claim 54, further comprising: a provisioning information module ("the camera with software", col. 4, lines 9-30, also see fig. 3 and its description) to generate a unique device ID ("create entity-specific cameras 14", col. 3, lines 40-49) that is used by an accounting management module (OS 70, see fig. 3 and its description) for associating the user-operated device with the user account (fig. 1 and its description).

Regarding claim 58, Anderson et al. disclose the apparatus of claim 54, further comprising: a buffer to temporarily store the user data prior to determining the user account associated with the unique device ID (col. 11, lines 51-67; for more details see cols. 11-13).

Regarding claim 59, Anderson et al. disclose the apparatus of claim 54, further comprising: a database (fig. 1, gateway server 18) at the Web site for maintaining the uploaded user data along with an associated unique device ID for the images (fig. 1 and description).



Regarding claim 60, Anderson et al. disclose the apparatus of claim 54, further comprising: a security module to allow a user to specify a user name and password for the user account that has been pre-provisioned (col. 2, lines 35-58).

Regarding claim 61, Anderson et al. disclose the system to enable automatic provisioning of a new user account ("a first time connection", see col. 2, lines 35-54) comprising:

- a receiving logic to receive data from a peripheral device having a unique device ID ("create entity-specific cameras 14", col. 3, lines 40-49), the data destined for storage on a repository on the system (fig. 1 and its description);

- an account management module (OS 70, see fig. 3 and its description) to automatically establish a user account ("create entity-specific cameras 14", col. 3, lines 40-49), including creating a user identifier (ID) based, at least in part, on said unique device ID assigned to the user-operated device (fig. 1 and description);

- a media gateway (fig. 1, gateway 18) to associate the data with said user ID (col. 4, lines 25-30; also see fig. 1 and its description);

such that an account (fig. 1, user account 40) is automatically created for the owner of the peripheral device (col. 3, lines 50-col. 4; see fig. 1 and description), without requiring the user to first set up a user account (fig. 1 and its description).

Regarding claim 62, Anderson et al. disclose the system of claim 54, further comprising: the media gateway (fig. 1, gateway 18) to query the peripheral device for

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the unique device ID in response to receiving the data (col. 4, lines 25-30; also see fig. 1 and its description).

Regarding claim 63, Anderson et al. disclose a method (fig. 1 and its description) facilitating uploading of user data from a user-operated device (digital camera 14, see fig. 3 and its description), the method comprising:

receiving a transfer request from a peripheral device having a unique device ID, to transfer data to a Web site (fig. 1 and its description);

determining if there is a user account associated with the unique device ID, and if so, associating the user data with the user account (fig. 1 and its description);

if there is no user account ("none are found", see col. 2, lines 35-54) associated with the unique device ID, establishing a user account automatically at the particular Web site, including creating a user identifier (ID) based, at least in part, on said unique device ID assigned to the user-operated device (col. 2, lines 35-50).

Regarding claim 64, Anderson et al. disclose the method of claim 63, wherein the user-operated device is selected from among the following: a digital camera, a cellular telephone, a cellular telephone periodically coupled to a digital camera, and a cellular telephone including a digital camera (col. 4, lines 47-67).

Regarding claim 65, Anderson et al. disclose the method of claim 63, wherein establishing the user account occurs upon receiving a first transfer request from the user-operated device ("a first time connection", see col. 2, lines 35-54).

Regarding claim 66, Anderson et al. disclose the method of claim 63, wherein establishing the user account occurs prior to first operation of the user-operated device ("none are found", see col. 2, lines 35-54).

Regarding claim 67, Anderson et al. disclose the method of claim 63, wherein said user account is established using provisioning procedure to associate the user account with a unique device ID assigned to the user-operated device (col. 4, lines 9-46; also see fig. 1 and its description).

Regarding claim 68, Anderson et al. disclose the method of claim 63, further comprising: determining whether the user-operated device is an authorized device prior to storing the images on the Web site (col. 4, lines 9-46; also see fig. 1 and its description).

Regarding claim 69, Anderson et al. disclose the method of claim 63, further comprising: temporarily saving the user data in a buffered storage module until the user data is determined to be associated with a particular user account (col. 11, lines 56-67; for more details see cols. 11-13).

Regarding claim 70, Anderson et al. disclose the method of claim 69, wherein said content temporarily saved in the buffered image storage module is transferred to an image storage-by-account module in an image repository after the content is determined to be associated with a particular user account (see cols. 11-13).

Regarding claim 71, Anderson et al. disclose the method of claim 63, further comprising: having a user account ticket, generated, at least in part, from the device ID of the user-operated device ("your camera serial number is 38147" col. 11, lines 51-55), the user account ticket used for initially establishing the user account (see cols. 11-13).

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 571-272-7924. The examiner can normally be reached on 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid G Lester can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Examiner: Phan, Huy Q.

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Date: May. 10, 2005

  
**SONNY TRINH**  
**PRIMARY EXAMINER**